

**Iowa Department of Natural Resources  
Natural Resource Commission**

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**ITEM**

**19**

**DECISION**

**TOPIC**

**Final Rule--Chapter 91, Waterfowl and Coot Hunting Seasons**

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The purpose of this brief is to prepare the Commission for a final rule to amend Chapter 91, Waterfowl and Coot Hunting Seasons that will be forthcoming. The language in the rule is being reviewed by the Fish and Wildlife Service Flyway Council the week of July 23, 2007, for input and/or approval. The final rule and an updated brief will be made available to the NRC and the public prior to the August 9, 2007, Commission meeting.

In general, the updated brief will request that the Commission adopt a final rule to amend Chapter 91, Waterfowl and Coot Hunting Seasons. These rules set regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and designation of areas open to hunting. Season dates were adjusted to comply with federal law and to ensure that seasons are open on weekends.

A public hearing was held on April 19, 2007. Two comments asked that waterfowl seasons run as late as possible in the year, and two comments asked that landowners be allowed to hunt in the closed goose zone in Jackson county. Minor changes were made to goose zone boundaries for safety concerns and to allow qualifying landowners to hunt geese in the closed zone in Jackson County.

Ken Herring, Administrator  
Conservation and Recreation Division

Attachment: Chapter 91, Waterfowl and Coot Hunting Seasons Rule

July 26, 2007

NATURAL RESOURCE COMMISSION [571]  
Filed Emergency after Notice

Pursuant to the authority of Iowa Code section 455A.5, the Natural Resource Commission hereby amends Chapter 91 “Waterfowl and Coot Hunting Seasons”, Iowa Administrative Code.

These rules set regulations for hunting waterfowl and coot and include season dates, bag limits, possession limits, shooting hours, and areas open to hunting. Season dates were adjusted to comply with federal law and to ensure that seasons open on a weekend. Minor changes were made to goose zone boundaries for safety concerns and to allow qualifying landowners to hunt geese in the closed zone in Jackson county.

Notice of Intended Action was published in the Iowa Administrative Bulletin on March 28, 2007, as ARC 5800B. A public hearing was held on April 19, 2007. Two comments were received that asked that waterfowl seasons run as late as possible in the year and 2 asked that landowners be allowed to hunt in the closed goose zone in Jackson county. Due to record high estimates of fall numbers of canvasbacks the bag limit was changed from 1 to 2.

The Department finds, pursuant to Iowa Code section 17A.5(2)"b"(2), that the normal effective date of the amendment should be waived and this amendment should be made effective upon filing with the Administrative Rules coordinator, as it confers a benefit. These amendments are intended to implement Iowa Code sections 481A.38, 481A.39 and 481A.48.

The following amendments are proposed.

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ITEM 1. Amend subrules 91.1(2), 91.1(3) and 91.1(4) as follows:

91.1(2) Season dates - north zone. For all ducks: September ~~23~~ 22 through September ~~27~~ 26 and October ~~14~~ 13 through December ~~7~~ 6.

91.1(3) Season dates - south zone. For all ducks: September ~~23~~ 22 through September ~~27~~ 26 and October ~~21~~ 20 through December ~~14~~ 13.

91.1(4) Bag limit. The daily bag limit of ducks is 6, and may include no more than 4 mallards (no more than 2 of which may be females), 1 black duck, 2 wood ducks, 1 pintail, 2 scaup, 3 mottled ducks, ~~4~~ 2 canvasback, and 2 redheads. The daily bag limit of mergansers is 5, only 2 of which may be hooded mergansers.

ITEM 2. Amend subrules 91.3(2) and 91.3(3) as follows:

91.3(2) Season dates - north zone. Canada geese and brant: September ~~30~~ 29 through December ~~10~~ 9 and December ~~16~~ 15 through January ~~2, 2007~~ 1, 2008. White-fronted geese: September ~~30~~ 29 through December ~~10~~ 9. Light geese (white and blue-phase snow geese and Ross' geese): September ~~30~~ 29 through January ~~14, 2007~~ 13, 2008.

91.3(3) Season dates - south zone. Canada geese and brant: September ~~30~~ 29 through October ~~8~~ 7 and October ~~21~~ 20 through January ~~9, 2007~~ 8, 2008. White-fronted geese: September ~~30~~ 29 through December ~~10~~ 9. Light geese (white and blue-phase snow geese and Ross' geese): September ~~30~~ 29 through January ~~14, 2007~~ 13, 2008.

ITEM 3. Amend subrule 91.3(7), introductory paragraph and paragraph “e” as follows:

91.3(7) Light goose conservation order season. Only light geese (white- and blue-phase snow geese and Ross' geese) may be taken under a conservation order from the U. S. Fish and Wildlife Service from January ~~15, 2007~~ 14, 2008, through April 15, ~~2007~~ 2008.

e. Other regulations. ~~The Methods of take approved by the U.S. Fish and Wildlife Service may develop special regulations concerning the~~ for hunting of light geese during the conservation order season shall be permitted.

ITEM 4. Amend subrule 91.3(8), paragraph "b," as follows:

b. Season dates. September 9 8 and September ~~10~~ 9.

ITEM 5. Amend subrule 91.3(9), paragraph "b," as follows:

b. Bag limit. Daily bag limit is ~~3~~ 5 Canada geese.

ITEM 6. Amend subrule 91.3(10), paragraph "b," as follows:

b. Bag limit. Daily bag limit is ~~3~~ 5 Canada geese.

ITEM 7. Amend subrule 91.4(2), paragraphs "c," "i," "m," "n," "o," and "p," as follows:

c. Area three. A portion of Dickinson County bounded as follows: ~~Beginning at a point four and one-half miles west of the east junction of Highways 9 and 71; thence north along a county road to its junction with Dickinson County Road A15; thence generally north about three miles along A15 to its junction with Dickinson County Road M56; thence east along A15 about one and one-half miles; thence north along county roads to the Iowa-Minnesota state line; thence west along the state line seven and one-half miles; thence south along Highway 86 five miles to Highway 9; thence east along Highways 9 and 71 to the point of beginning.~~ Beginning at the junction of State Highways 9 and 86; thence north along State Highway 86 (including the right-of-way) to the Iowa-Minnesota state line; thence east along the Iowa-Minnesota state line approximately 3.5 miles (excluding any road right-of-ways) to 240<sup>th</sup> Avenue (also known as West Lake Shore Drive in Orleans or Peoria Avenue in Spirit Lake); thence south along 240<sup>th</sup> Avenue (including the right-of-way) to State Highway 9; thence west along State Highway 9 (including the right-of-way) to the point of beginning.

i. Area nine. Portions of Monona and Woodbury Counties bounded as follows: ~~Beginning at the Iowa-Nebraska state line along the Missouri River in Monona County in section 13, township 84 north, range 47 west; proceeding east approximately 3 miles along 185th Street to Cashew Avenue (including the right-of-way and all other road right-of-ways subsequently identified in this description); For the portion in Monona County, beginning at the junction of County Road K42 and 120<sup>th</sup> Street; thence south along County Road K42 (including the right-of-way and all other road right-of-ways identified in this description) approximately 4 miles; thence south on Berry Avenue approximately 1 mile to 170<sup>th</sup> Street; thence east along 170<sup>th</sup> Street to Cashew Avenue; thence south along Cashew Avenue to 200th Street; thence east along 200th Street to County Road K42; thence south and east along County Road K42 to Cherry Avenue; thence south along Cherry Avenue to 243rd Street; thence east along 243rd Street to Cypress Avenue; thence south along Cypress Avenue to 245th Street; thence east and northeast along 245th Street to Elm Avenue; thence south along Elm Avenue to 250th Street; thence east along 250th Street to Filbert Avenue; thence south north and northwest along Filbert Avenue to 260th Street State Highway 175; thence east along 260th Street State Highway 175 to County Road K45; thence north and northwest approximately 17 11 miles along Monona County Road K45 to the junction with State Highway 970 in Woodbury County 120<sup>th</sup> Street; thence west along 120<sup>th</sup> Street to the point of beginning; thence continuing northwest along State Highway 970 (otherwise known as Woodbury County Road K45) approximately 8 miles and for the portion in Woodbury County, beginning at the junction of County Road K45 and State Highway 141;~~

thence northwest along County Road K45 approximately 6 miles to the intersection with Woodbury County Road K25; thence west approximately 3 miles along Woodbury County Road K25 to the intersection with Port Neal Road; thence continuing on along the same westerly line approximately 1 mile on the north border of section 6, township 86 north, range 47 west, to the Iowa-Nebraska state line along the Missouri River; thence southerly along the state line approximately 17 miles to the point of beginning 8 miles to a point where 340<sup>th</sup> Street meets the Iowa-Nebraska state line on the Missouri River; thence east to and along 340<sup>th</sup> Street approximately 5.5 miles to County Road K42; thence north and east along County Road K42 approximately 2.5 miles to the point of beginning.

m. Area thirteen. Portions of Van Buren and ~~Davis Counties~~ County bounded as follows: Beginning at the junction of ~~State Highway 16 Hawk Drive~~ and State Highway 98 in ~~Van Buren County~~; thence east and south along ~~State Highway 16 Hawk Drive~~ (including the right-of-way and all other road right-of-ways identified in this description) to Lark Avenue; thence north along Lark Avenue to 170<sup>th</sup> Street; thence east along 170<sup>th</sup> Street to State Highway 1 in ~~Van Buren County~~; thence south along State Highway 1 (including the right-of-way) to State Highway 2; thence west along State Highway 2 (including the right-of-way) to County Road ~~V42 V56 in Davis County~~; thence north along County Road ~~V42 V56~~ (including the right-of-way) to County Road J40 in ~~Davis County~~; thence east and south along County Road J40 (including the right-of-way) to County Road V64 in ~~Van Buren County~~; thence north along County Road V64 (including the right-of-way) to State Highway 98 in ~~Van Buren County~~; thence north along State Highway 98 (including the right-of-way) to the point of beginning.

n. Area fourteen. Portions of Bremer County bounded as follows: Beginning at the intersection of County Road V56 and 140th Street (also named State Highway 93); thence south along County Road V56 (including the right-of-way to ~~State Highway 3~~; thence west along ~~State Highway 3~~ (including the right-of-way) to County Road ~~V43~~; thence north along County Road ~~V43~~ (including the right-of-way) and all other road right-of-ways identified in this description) to County Road C33; thence west along County Road C33 (including the right-of-way) to Navaho Avenue; thence north along Navaho Avenue (including the right-of-way) to State Highway 93; thence west along State Highway 93 (including the right-of-way) to U.S. Highway 63; thence north 7 miles along U.S. Highway 63 (including the right-of-way) to the Bremer-Chickasaw County line; thence east 3 miles along the Bremer-Chickasaw County line road (including the right-of-way) to Oakland Avenue; thence south along Oakland Avenue (including the right-of-way) to 120th Street; thence east along 120th Street (including the right-of-way) to Piedmont Avenue; thence south along Piedmont Avenue (including the right-of-way) to 140th Street; thence east along 140th Street, which becomes State Highway 93, to the point of beginning.

o. Area fifteen. Portions of Butler County bounded as follows: ~~Beginning at the junction of County Road T16 and 230th Street; thence south 5 miles on County Road T16 (including the right-of-way) to 280th Street; thence east 3 miles along 280th Street (including the right-of-way) to Grand Avenue; thence south on Grand Avenue (including the right-of-way) to County Road C55 (also named 290th Street); thence east 3 miles on County Road C55 (including the right-of-way) to Jay Avenue; thence north along Jay Avenue (including the right-of-way) to 280th Street; thence east 3 miles on 280th Street (including the right-of-way) to State Highway 14; thence north 6 miles on State Highway 14 (including the right-of-way) to 230th Street; thence west on 230th Street (including the right-of-way) to Jackson Avenue; thence north on Jackson Avenue (including the right-of-way) to 220th Street; thence west on 220th Street (including the right-of-way) to County Road T25 (also named Hickory Avenue); thence south 0.5 mile on County Road T25 (including the right-of-way) to 225th Street; thence west on 225th Street (including the~~

~~right-of-way) to Fir Avenue; thence south 0.5 miles on Fir Avenue (including the right-of-way) to 230<sup>th</sup> Street; thence west on 230<sup>th</sup> Street (including the right-of-way) to the point of beginning. Beginning at the junction of State Highway 14 and 245<sup>th</sup> Street; thence south along State Highway 14 (including the right-of-way and all other road right-of-ways identified in this description) to 280<sup>th</sup> Street; thence west along 280<sup>th</sup> Street for 3 miles; continuing on a similar westerly line along the south borders of sections 31, 32, and 33, township 91 north, range 17 west; thence west along 280<sup>th</sup> Street for 1.5 miles to Evergreen Avenue; thence north along Evergreen Avenue to 270<sup>th</sup> Street; thence east along 270<sup>th</sup> Street to Forest Avenue; thence north along Forest Avenue to 230<sup>th</sup> Street; thence east along 230<sup>th</sup> Street to Fir Avenue; thence north along Fir Avenue to 225<sup>th</sup> Street; thence east along 225<sup>th</sup> Street to County Road T25 (also named Hickory Avenue); thence south along County Road T25 to 230<sup>th</sup> Street; thence east along 230<sup>th</sup> Street to Jackson Avenue; thence south along Jackson Avenue to 240<sup>th</sup> Street; thence east along 240<sup>th</sup> Street to Jackson Avenue; thence south on Jackson Avenue to 245<sup>th</sup> Street; thence east along 245<sup>th</sup> Street to the point of beginning.~~

p. Area sixteen. A portion of Union County bounded as follows: Beginning at the intersection of U.S. Highway 469 ~~and Three Mile Creek Drive 34~~ and County Road P53 near Afton; thence west along U.S. Highway 34 (including the right-of-way ~~and all other road right-of-ways identified in this description~~) approximately 2.5 miles to ~~Union County Road P43 (also named Twelve Mile Lake Road)~~; thence north along ~~Union County Road P43 (including the right-of-way)~~ Twelve Mile Lake Road approximately 5 miles to Union County Road H17; thence ~~north and~~ east along Union County Road H17 ~~(including the right-of-way)~~ approximately 6 miles to ~~Quail Avenue to County Road P53~~; thence south along ~~Quail Avenue (including the right-of-way) to Three Mile Creek Drive~~ County Road P53 to the point of beginning.

ITEM 8. Amend subrule 91.5(1) as follows:

91.5(1) ~~Ruthven, Kattleson-Hogsback, Ingham Lake and Rice Lake~~ Clay County, Dickinson County, Emmet County, Jackson County, and Butler County closed areas.

ITEM 9. Amend rule 571--91.6(481A) as follows:

571--91.6(481A) Youth waterfowl hunt. A special youth waterfowl hunt will be held on October ~~7 and 8, 2006~~ 6 and 7, 2007, in the north duck hunting zone and October ~~7 and 8, 2006~~ 6 and 7, 2007, in the south duck hunting zone. Youth hunters must be 15 years old or younger. Each youth hunter must be accompanied by an adult 18 years old or older. The youth hunter does not need to have a hunting license or stamps. The adult must have a valid hunting license and habitat stamp if normally required to have them to hunt and a state waterfowl stamp. Only the youth hunter may shoot ducks and coots. The adult may hunt for any other game birds for which the season is open. The daily bag and possession limits are the same as for the regular waterfowl season, as defined in subrule 91.1(1). All other hunting regulations in effect for the regular waterfowl season apply to the youth hunt.

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Date

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Richard A. Leopold, Director

